

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CARL A. PERRY, JR., :
Plaintiff, :
vs. : CIVIL ACTION 04-0778-CB-M
STATE OF ALABAMA, et al., :
Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Plaintiff's Motion to Proceed Without Prepayment of Fees (Doc. 2) be and is hereby DENIED. It is further **ORDERED** that this action be and is hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g).

DONE this 11th day of May, 2005.

s/Charles R. Butler, Jr.

Senior United States District Judge